

## **REMARKS**

Reconsideration of the present application, as amended, is respectfully requested. Claims 1, 2, and 21 have been amended.

Applicant affirms the election of Invention I, claims 1-17, 21-22, with traverse. Claims 18-20 were withdrawn from further consideration by the Examiner. The Examiner suggests that the controller described in claim 18 does not require the wheel arrangement recited in claim 1. Applicant respectfully disagrees. In order to enable the spinning on the spot, as recited in claim 18, the wheel arrangement using two driver wheels on either side of the vehicle is needed. Therefore, Applicant respectfully submits that the two claim sets are related as group & subgroup, and requests that the election requirement be withdrawn.

Applicant has amended Figure 5, to add the "engine brake." Since the engine brake is in the Specification and claims, as originally filed, Applicant respectfully submits that this adds new matter.

Applicant has also amended the specification to correct minor informalities. These amendments do not add new matter.

Examiner rejected claims 1-17 and 21-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 1, so that the extraneous "and" is no longer a problem.

With respect to claim 4, it is clear that the limitation added is the use of a second battery, which may be used to power signals, displays, and entertainment electronics. Applicant respectfully submits that this clearly defines the invention of claim 4.

With respect to claim 9, applicant respectfully submits that the engine brake is described in Paragraph 53, and shown with respect to Figure 6, the joystick controls describe “No Motion.” However, for further clarification, Applicant has added an “engine brake” block to Figure 5. Since the engine brake is included in the Specification as originally filed (Paragraph 53), no new matter is added by this addition.

With respect to claim 16, the term “equipment profile” is described in the Specification, for example at Paragraphs 48 and 72. As described in the Specification, the user profile and equipment profile block takes account of settings such as type of user permissions and equipment capabilities to determine and influence or override driving characteristics, optimizing battery energy, towing permissions, and several other features.” For example, a child may have an activation key that indicates that he or she is limited to driving at 5 miles per hour. Thus, regardless of how hard the joystick is pushed forward, the user profile limits the maximum speed of the REV. Other motion characteristics, such as maximum acceleration, maximum range, etc. may also be limited.”

Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,484,646 Smith.

Smith describes a gas powered vehicle, and provides no mechanism, nor gearing to run in reverse. There is no mention of reversibility in Smith. Smith states that powering one wheel, while disengaging the other wheel (12) which was initially

braked will begin to turn in a negative direction causing rotation about an axis approximately through the center of the vehicle. (Column 6 lines 11-23). Smith does not teach or suggest the ability to apply power to the first and second wheels in the opposite direction. The Examiner points to column 6, lines 36-38. However, the referenced section of Smith simply notes that "An electric motor powered by a battery may be substituted for the gasoline engine preferred in this invention." Smith does not teach or suggest the ability to power the wheels in opposite directions. To spin on the spot, the method Smith teaches assumes a non-existent ideal situation including frictionless wheels. While applying power to one wheel only, there is a substantial influence to the direction of motion (of the vehicle) due to:

1. friction on the second wheel
2. friction on the front and rear wheels (18)
3. Initial orientation of the front and rear wheels (18)
4. weight distribution of the operator/ driver, plus vehicle
5. Level of the floor rested on the four wheels
6. Any small obstruction on the second wheel, and front or rear wheels

These influences together mean that the vehicle described by Smith almost never can spin on the spot. In contrast, claim 1 recites a system in which the wheels are separately powered, and can be powered in opposite directions, to enable these maneuvers.

Claim 1, as amended, recites in part "a first motor and a second motor, connected to the first and second drive wheels respectively, the first motor and the second motor able to be engaged in the same and in opposite directions." As noted

above, Smith does not teach or suggest such motors that can be engaged in opposite directions, that is one wheel can be powered forward while the other is powered backwards. Therefore, claim 1, as amended, and claims 2-3 which depend on claim 1, are not anticipated by Smith.

Examiner rejected claims 4-8, 10-11, 15, 16, and 21-22 under 35 U.S.C. §103(a) as being unpatentable over Smith, as applied to claim 1, in view of U.S. Patent No. 5,923,096 to Manak. Claims 4-8, 10-11, 15, and 16 depend on claim 1, and incorporate its limitations.

As discussed above Smith describes a vehicle, but does not teach or suggest two motors which can be powered in opposite directions.

Manak discusses a system having the traditional wheel arrangement, a wheel at each of the four corners. Manak does discuss the use of a joystick. However, in the wheel arrangement of Manak, it is not possible to power the wheels in opposite directions.

As noted above, Claim 1, as amended, recites in part “a first motor and a second motor, connected to the first and second drive wheels respectively, the first motor and the second motor able to be engaged in the same and in opposite directions.” Smith does not teach or suggest such motors that can be engaged in opposite directions, that is one wheel can be powered forward while the other is powered backwards. Manak does not teach or suggest such an element either. Therefore, claims 4-8, 10-11, 15, 16, which depend on claim 1 as amended, are not obvious over the combination of Smith and Manak.

Claims 21, as amended, recites in part “a drive motor for independently

controlling a torque vector of each of the drive wheels, the drive motor able to power the drive wheels in the same and in opposite directions, enabling forward motion, turns, and spinning in place. As discussed above, Smith does not teach or suggest the ability to power the drive wheels in opposite directions, nor does Manak. Therefore, claim 21, and claim 22 which depends on it, is not obvious over the combination of Manak and Smith.

Examiner rejected claims 12-14 under 35 U.S.C. §103(a) as being unpatentable over Smith, as applied to claim 1, in view of U.S. Patent No. 6,009,363 to Beckert et al. Claims 12-14 depend on claim 1, and incorporate its limitations.

Beckert discusses a vehicle computer on a dashboard. Beckert does not discuss the wheel arrangements, nor how the wheels are powered in the vehicle. As noted above, Smith does not teach or suggest a first motor and a second motor, connected to the first and second drive wheels respectively, the first motor and the second motor able to be engaged in the same and in opposite directions, as recited in claim 1, as amended. Beckert does not cure this shortcoming of Smith's. Therefore, claims 12-14 are not obvious over Smith in view of Beckert.

Examiner rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Smith, as applied to claim 1, in view of U.S. Patent No. 2,245,493 to Barrett, Jr. Claim 17 depends on claim 1 and incorporates its limitations.

Barrett discusses an electric indicating means which is used to show when current is flowing, and can be used in a vehicle. However, Barrett does not discuss the drive train of the vehicle at all, nor the wheel arrangement or powering of the wheels.

As noted above, Smith does not teach or suggest a first motor and a second motor, connected to the first and second drive wheels respectively, the first motor and the second motor able to be engaged in the same and in opposite directions, as recited in claim 1, as amended. Barrett does not cure this shortcoming of Smith's. Therefore, claim 17 is not obvious over Smith in view of Barrett.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

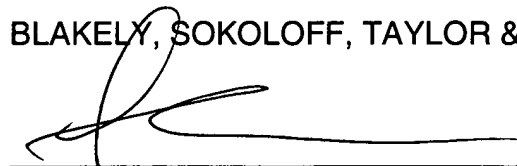
Dated: \_\_\_\_\_

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Respectfully submitted,

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## **IN THE DRAWINGS**

Examiner objected to the drawings under 37 CFR 1.83(a), for failing to show the “engine brake” of claim 9. Applicant has amended Figure 5, enclosed herewith, to show the engine brake.